



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending June 30, 2001



Sakyi & Associates, P.C. v. DOC, B-288188.1

This is a protest which challenges the decision of the OIG to solicit audit services for the consolidated DoC audit from firms which are on the GSA Schedule. Protestor asserts that the acquisition should be set aside for small businesses, and further asserts that the Government had a duty to disclose the results of a market survey in which Sakyi participated. Met with representatives from CLD, the Contracting Officer, Technical Staff, and Deputy IG to discuss protest issues and procedures. (Diane Canzano & Terry Lee)

Out of Scope Issues

In this new era of Government contracting it is important to remember that some of the old "tried and true" rules still apply. To this end, CLDer Mark Langstein has spent much of the past two weeks dealing with good old fashioned issues of contract scope for tasks supporting NCEP and the Center for Climate Prediction. One of these requirements is now slated to be awarded under COMMITS and the other is a possible FSS buy. Although it may not seem critical when a contract is awarded, if a task issued a contractor is not within the scope of the contract then the Government will have precious few rights and remedies against the contractor should performance flag. An out-of-scope requirement will be considered a Government breach, relieve the contractor from performance and may well give the contractor a claim to monies over and above the contract agreed-to price. In addition, an out-of-scope requirement is subject to protest and could well be viewed as an attempt to evade competition.

Egyptian CLDP Support

Terry Lee met with CLDP counsel and reviewed the comments made by the Egyptians on the draft contracts for the production of TV ads and the printing and distribution of newspaper inserts, both regarding the promotion of insurance coverage.

ADR

Jerry Walz attended the June 20th meeting of the Inter Agency ADR Working Group Steering Committee at the Whitehouse Conference Center. Susan Truax continues her work on a draft Department Administrative Order for ADR within the Department.

Section 508

Fred Kopatich gave a slide presentation to the NIST Contracts Office staff on Section 508 and how it will impact IT acquisitions.

GFDL/EASC

Ed Weber advised EASC on a Software License Agreement with German software firm for the acquisition of sophisticated and unique software for the NOAA's Geophysical Fluid dynamics Laboratory (GFDL) at Princeton University. The program will enable GFDL to combine ocean observations and model data for weather and climate studies over the oceans of the world. Ed is negotiating software license terms with this German corporation and advising EASC and the GFDL with acquisition strategies.

FSL Supercomputer

Almost 60 days of the 90-day acceptance period for the interim upgrade system has passed and contractor HPTi still appears far away from fielding a system stable enough to pass. We have informed HPTi of our concerns and if performance does not improve, will likely meet with the program staff to discuss alternatives. (Mark Langstein)

CLD "Time to Complete"—4.1 Days

Actions by Contract Law Division during Period from 06/17/2001 06/30/2001

Bureau	Received	Completed
CENSUS	6	6
ITA	2	2
NIST	5	5
NOAA	10	11
Totals	23	24

**Contract Law Division—Client Workload
Period Ending 06/30/2001**

